United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ORACLE USA, INC., et al.,

         Plaintiffs,

         v.

SAP AG, et al.,

         Defendants.

_____/

No. C 07-1658 PJH

ORDER

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14   Before the court is the parties' dispute regarding the form of judgment to be entered

15 in the above-entitled action. The parties are hereby directed to submit a proposed form of

16 judgment that conforms to the following:

17   First, the judgment shall include an award of prejudgment interest, but the amount

18 shall be calculated based on 28 U.S.C. § 1961(a). That is, prejudgment interest shall be

19 calculated "at a rate equal to the weekly average 1-year constant maturity Treasury yield,

20 as published by the Board of Governors of the Federal Reserve System, for the calendar

21 week preceding" the date of the judgment, compounded annually. Substantial evidence

22 does not support a finding that the equities of the case require a rate other than the rate set

23 forth in § 1961. In particular, the court does not find that the rate should be calculated

24 separately for each year back to the date of the hypothetical license negotiation.

25   Second, as for the date from which the interest should accrue, the court finds that

26 the date of the hypothetical PeopleSoft and Oracle Database license negotiation and the

27 date of the hypothetical Siebel license negotiation are equally speculative. Since the jury

28 did not apportion the $1.3 billion damage award, the court has no basis upon which to do

1   so. Accordingly, in view of the size of the jury award, the interest will accrue from the date

2   of the hypothetical Siebel license negotiation.

3   Third, the issue of the disposition of the infringing materials is not relevant to the

4   entry of judgment. Accordingly, the parties shall submit a separate stipulation

5   memorializing their agreement regarding the destruction of the infringing materials that

6   remain in SAP's possession.

7   Fourth, the judgment shall include all claims and parties that were dismissed prior to

8   the trial, in addition to the claims that were tried to the jury.

9   Finally, Oracle's request for leave to file a "full" reply brief is DENIED.

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11 **IT IS SO ORDERED.**

12 Dated: December 28, 2010

13 _____
    PHYLLIS J. HAMILTON
    United States District Judge

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